

The Buena Vista Planning & Zoning Commission March 16, 2022 at 7:00 PM

Commission Members and Staff will meet at the Community Center. The public is encouraged to join the meeting virtually via Zoom.

The public can join the meeting using the Zoom information below. To participate in Public Comment and/or Public Hearings you may connect to the video conference.

Conferencing Access Information: https://us02web.zoom.us/j/85826686080

Listen via phone at 1-720-707-2699 Meeting ID: 858 2668 6080 Passcode: BuenaVista

AGENDA

REGULAR MEETING OF THE PLANNING & ZONING COMMISSION

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Agenda Adoption
- V. Approval of Minutes March 9th, 2022
- VI. Public Comment
- VII. New Business
 - 1. Public Hearing Stackhaus Zoning A request by Stackhaus, LLC, represented by Alex Telthorst, for an initial zoning to the R-3 (High Density Residential) zone district associated with the Stackhaus Annexation, for the property located at 15750 County Road 306, containing approximately 7.80 acres.
- VIII. Staff/Commission Interaction
- IX. Adjournment





MEETING DATE: March 16th, 2022

PROPERTY: 15750 County Road 306

APPLICANT: Alex Telthorst representing Stackhaus LLC

REQUEST: Staff has prepared this report to summarize the application for zoning by Stackhaus LLC, the

owner of 15750 County Road 306.

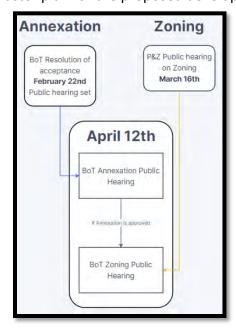
TOWN STAFF: Joseph Teipel, Planning Director

SUMMARY

The applicant is petitioning for annexation of 15750 County Road 306 by the Town of Buena Vista and has requested R-3 (High-Density Residential) zoning. Planning Commissioners are asked to consider this zoning request and make a recommendation to the Board of Trustees to be considered, if the annexation is approved, on April 12th.

As outlined below, the zoning of newly annexed parcels is not governed by rezoning procedures in the Town's Unified Development Code (UDC). The rezoning process detailed in the UDC is intended to govern the change of zoning for parcels whose zoning was previously designated by the Town. While the annexing petitioner may request certain zoning, the Town has broad authority to zone the newly annexed property in the best interests of the Town and its citizens.

While discussion may necessarily acknowledge elements of the proposed annexation, master plan, development agreement or annexation agreement, this hearing is not about the petition for annexation. To the extent possible, all discussion of the petition should be reserved for the April 12th annexation hearing. If the Planning Commission recommends R-3 zoning for this property, this is NOT an implicit approval of, nor a recommendation of the submitted master plan for the proposed development.



STAFF RECOMMENDATION

Staff's position is that if new property is going to be added to the municipal boundaries, the zoning choice should represent the changed nature of the property by annexation and should be zoned to further the purposes, objectives and needs of the Town. Recognizing that this property is still adjacent to properties subject to County zoning standards, the Town undertook a special effort to require that the Development Agreement restricts various aspects of the R-3 Zone District standards while also ensuring a gain of long-term housing to the Town.

NEW ZONING OF ANNEXED PROPERTY

Annexations and the zoning of annexed property is governed by Colorado Municipal Annexation Act of 1965, C.R.S. § 31-12-101 et seq. As a legislative decision, the application of a zone district to newly annexed property does not have legally prescribed criteria. This contrasts with the rezoning of a parcel of land that is currently within the municipal boundaries, which, as a quasi-judicial process, has pre-defined criteria in our UDC for the Planning Commission to reference when making a recommendation or decision.

Therefore, staff has compiled various factors that, in staff's view, are relevant to this decision. Each is the subject of a separate heading and section herein; however, it must be acknowledged that each of these factors are indeed interconnected.

These factors are:

- R-3 Zone District characteristics & other R-3 Zone Districts in Town
- Limiting clauses & applicant commitments included in the Development Agreement
- The 2015 Comprehensive Plan & the 2020 County Comprehensive Plan
- The approved 2021 3-Mile Plan including Areas of Desired Growth and Municipal Services Areas

R-3 ZONE DISTRICT

The R-3 Zone District is the highest density residential zone district currently defined in the UDC, and is currently the least-used zone district in Town limits. The summary sheet for the R-3 zone district's dimensional and use standards is provided in your packets. It is relevant to note that R-3 is the only residential zone district in which multi-family dwellings are a permitted use by right.

The three current R-3 zoned developments in Town are:

Princeton Place Condominiums • 32 condominiums, 20 of which are shortterm rentals Bordered on all sides by MU-2 district The Farm Subdivision Contains single family attached, single family detached, and will soon contain multi-family Bordered by: County RES residential, R-1, R-2, Industrial, and Highway-Commercial

Tri-Vista

- Platted for 63 triplex housing units
- Bordered by: County RES residential, and R-1



DEVELOPMENT AGREEMENT

The applicant worked with staff following feedback from a February 9th, 2021 Board of Trustees work session, to draft a Development Agreement (DA), which has been executed by the applicant and submitted along with the annexation and zoning applications. As part of the Annexation Agreement, the applicant was required to enter into the DA. In general, and as is the case here, development agreements are binding and recorded documents detailing how a developer must construct their proposed development. These documents create a set of rules that are tied to the land. Therefore, should the subject property be annexed into the municipal boundaries, the final version of the DA will not only bind the applicant, but also any future owner of the land.

For zoning purposes, there are three specific sections of the DA which, in effect, act to restrict what would otherwise be allowed in an R-3 Zone District. These were negotiated to both benefit the Town, and to mitigate the impact of an R-3 development on the surrounding landowners and infrastructure. Staff has summarized and provided context for these DA sections here. The full DA is attached as a part of your packet.

<u>Section 3 – Maximum Number of Dwelling Units and SFEs.</u> This section sets a maximum number of dwelling units (101) and a maximum number of SFEs (or Single-Family Equivalents¹). This restriction will act as an upper limit no matter what configuration of development ends up taking place on the property. In the R-3 Zone District, large multi-family projects are a use by right, so conceivably much more than 101 units could fit on the subject property without this restriction.

<u>Section 4 – Building Heights and Setbacks.</u> This section restricts any building on the property to two stories high, and requires minimum setbacks of 20' on the East and South property lines. These setbacks match the rear setback of the neighboring County RES zone district, and the proposed height limit is shorter than the 35' allowed by both the County RES and the Town R-3 Zone Districts. This table provides a comparison between the County RES and the Town R-3 setbacks and max height.

Zone District Dimensions	Front	Rear	Side	Max height
County – RES	25'	20'	15'	35'
Town – R-3	5'	5'	5'	35'

<u>Section 7 – Long Term Housing.</u> This section commits the applicant to prohibiting short-term rentals in a minimum of 30% of the units built. Since application, the applicant has made it clear they will increase this commitment to 79%, which will end up in the final DA. In the R-3 Zone District short term rentals are normally a use by right subject to the Town's licensing regulations. This section ensures that, should the annexation be approved, there will be a gain in long-term and rental housing units.

¹ a term which defines the average water use of a single-family dwelling unit with a ¾" water meter. This equates to an average usage of approximately 350 gallons per day per household. Discounts are given for single-family attached and multi-family dwelling units recognizing each has less irrigated area per dwelling unit. Single-family attached units are counted at .7 SFEs while multi-family units count as .6 SFEs. The applicant will be bringing 'their own' water to the Town – anther amendment to the DA.

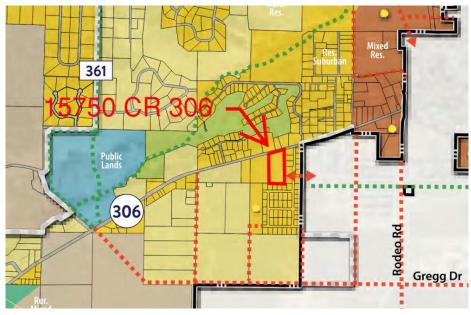
COMPREHENSIVE PLANS

The most recent town Comprehensive Plan was adopted by the Town Board of Trustees in 2015 (plan linked here). While much has changed in Buena Vista in the intervening years, including the entire Unified Development Code and zone district definitions and map, the plan's Collective Vision statements (pages 4 and 5) continue to offer guidance to the Board of Trustees and the various advisory boards, including the Planning & Zoning Commission.

While use of the Comprehensive Plan (Comp Plan) is not required to determine the zoning for the property, staff believes it can provide guidance. Chapter 4 – Housing, is the primary chapter which staff sees as pertinent to the consideration of zoning the subject property (starts on page 26 of the Comp Plan). As referenced in the Comp Plan as well as in the 2016 Housing Needs Assessment, the Town is in dire need of long-term housing that is attainable to those who live and work in the community. With market pressure leading to double-digit percentage increases in the cost of housing units in town, increasing the supply of long-term units acts as a pressure release valve – allowing local families and workforce an increased chance of finding an attainable place to call home. In addition, density is the only reliable way to reduce the cost of housing. Therefore, staff sees congruence between the proposed master plan, R-3 zoning, and the overall goals of the comprehensive plan.

The County's recently adopted 2020 Comprehensive Plan (<u>full plan linked here</u>) recognizes the intense pressure that population growth and the associated growth in housing developments put on the unincorporated county lands. Throughout the document, the County's Comp Plan highlights the need for more dense developments in and around municipalities and recognizes the importance of annexation as a tool to allow for greater density. This density in and around municipalities will, ideally, lead to greater preservation of the open spaces in the County – keeping 'county county and town town'.

The subject property falls within the "Residential Suburban" area as identified in the County's future land use map.



Page 52 of the County Comp Plan states that the Residential Suburban's area objectives are:

- Maintain orderly and consistent growth of existing neighborhoods in the County's municipalities or established unincorporated communities.
- Provide a mix of housing to serve a range of people and incomes, including the workforce, the elderly, and families of various income levels.

• Adhere to an orderly and efficient vision that encourages denser growth near existing communities and anticipates municipal annexation through intergovernmental agreements.

3-MILE PLAN

State law requires that the Town adopt on an annual basis an updated 3-Mile Plan. The Town's 2021 3-Mile Plan identifies Areas of Desired Growth (ADGs) as well as Municipal Services Areas (MSAs) – see attached maps and ADG Area 7 description. The 3-Mile Plan is governed by an Inter-Governmental Agreement (IGA) between the Town of Buena Vista and the County. This agreement exists to allow for Town review of proposed developments within the ADG, and, in the case of proposed developments within the MSAs, requires that the developer enter into a pre-annexation agreement with the Town, whether or not the property owners choose to petition for annexation. By design this ensures properties within the MSA develop in a manner more consistent with Town rules, zoning, standards and specs vs those of the County.

The subject property is within Area 7 on the ADG map as well as within the MSA located adjacent to Town's western boundaries. Both of these maps have been attached to your packet with the subject parcel identified for context.

THEREFORE

If the Planning and Zoning Commission accepts the findings, conclusions, and recommendations for this zoning request as presented in this staff report, the Planning and Zoning Commission should make a recommendation to the Board of Trustees for the application of R-3 zoning on the subject property.

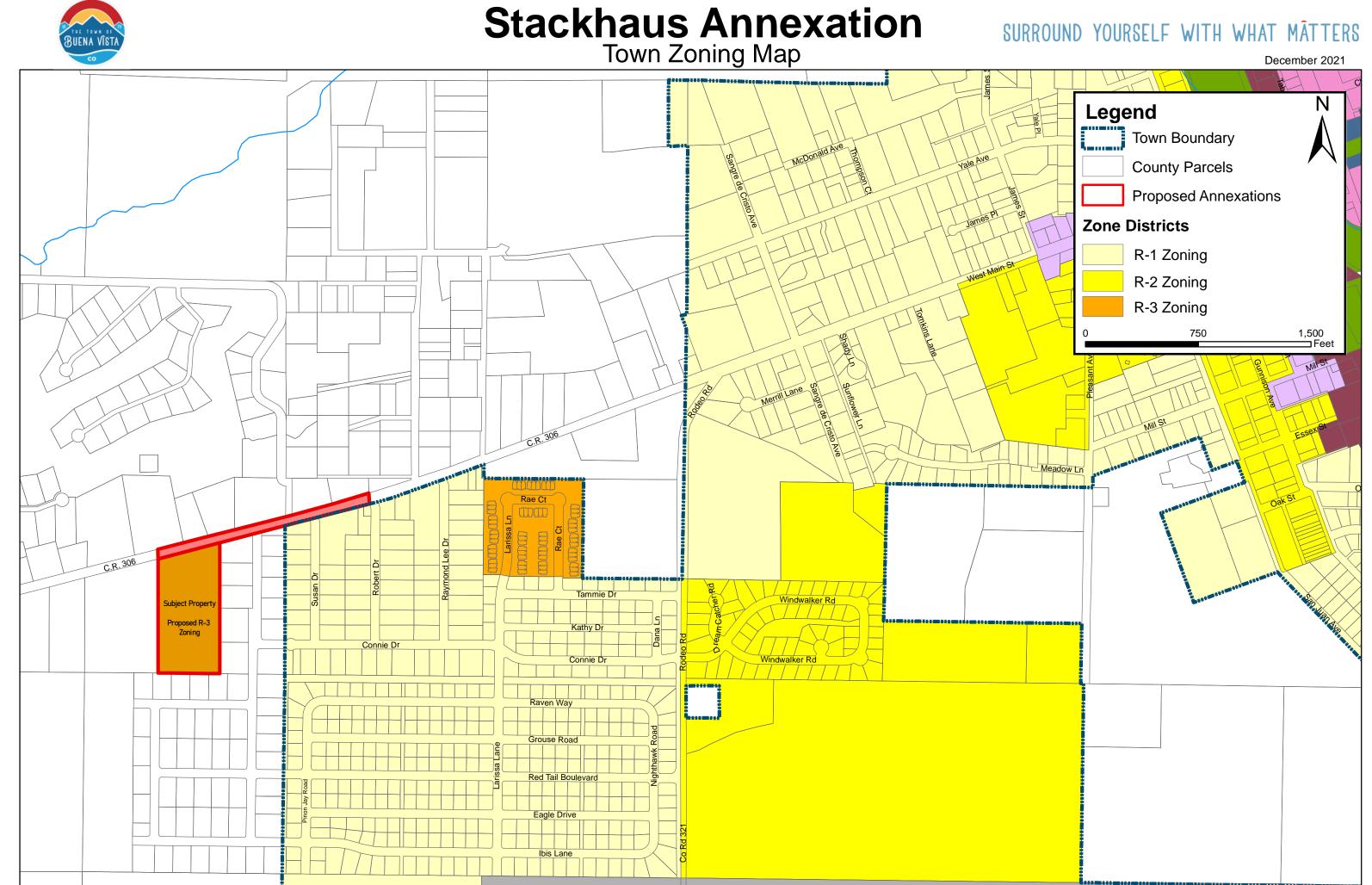
Alternatively, the Planning and Zoning Commission members may recommend to the Board the denial of R-3 zoning, or an alternate zoning for the subject property.

ATTACHED

The following documents are attached to this report:

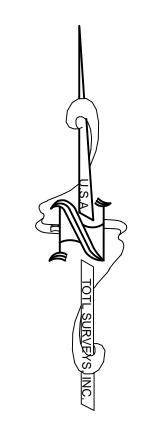
•	A context map showing the subject property and nearby Town zoning	Page 6
•	Annexation maps No. 1 & No. 2	7-8
•	Draft Development Agreement	9-16
	Proposed Master Plan	
•	A summary of R-3 Zone District standards and allowed uses	23-24
•	3-Mile Planning area map	25
	Areas of Desired Growth map & Area 7 description	
•	Municipal Services Area map	28
	Public comments received by Town staff through 8am on Friday, March 11 th	

SURROUND YOURSELF WITH WHAT MATTERS



Stackhaus No. 1 Annexation

Located in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) and the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) of Section 18, Township 14 South, Range 78 West of the 6th Principal Meridian, Chaffee County, Colorado

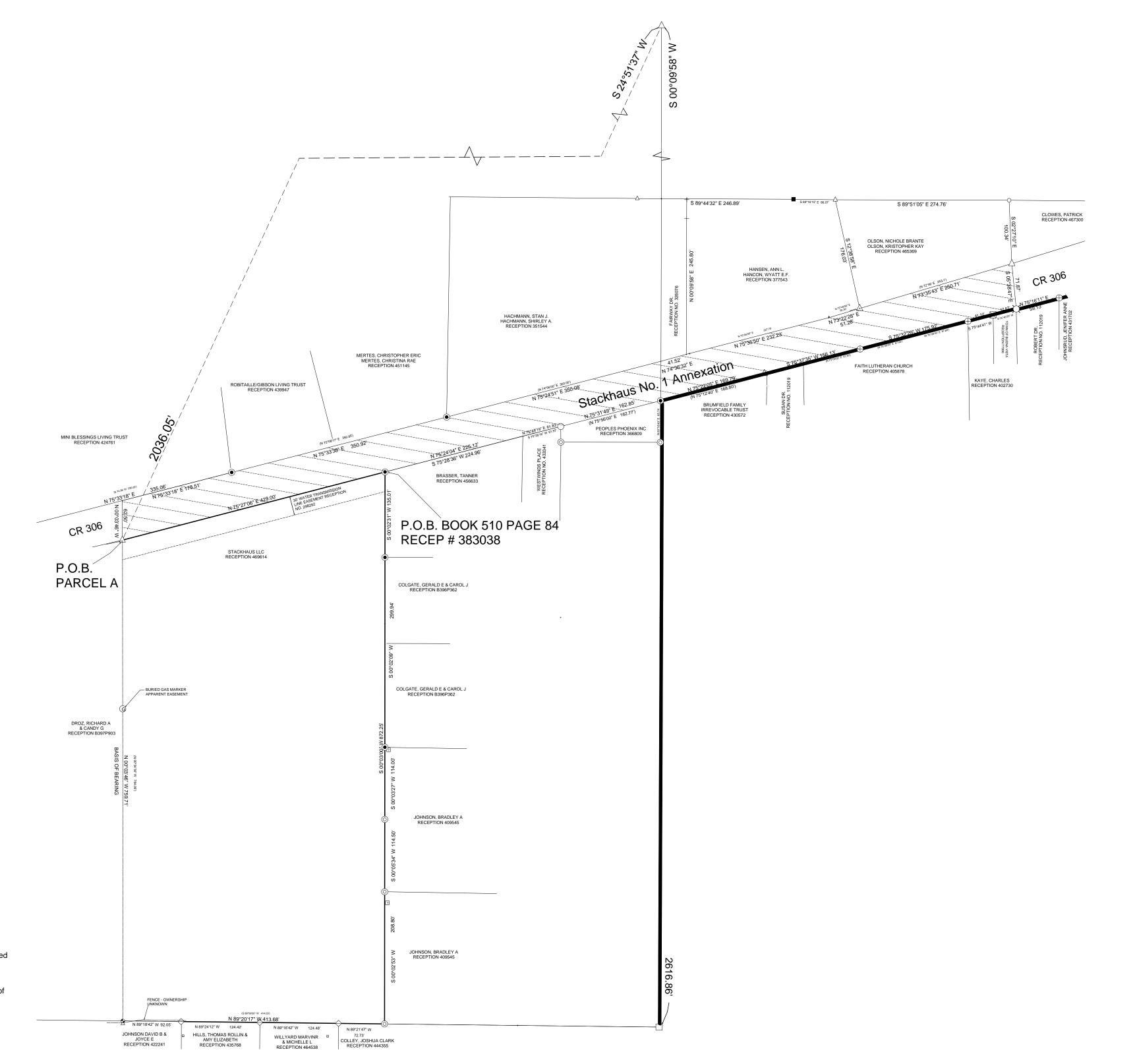


GRAPHIC SCALE 1INCH = 100 US SURVEY FEET

$\mathcal{L}\mathcal{E}\mathcal{G}\mathcal{E}\mathcal{N}\mathcal{D}$ RECOVERED 8"x8"x8" STONE SCRIBED 1/4 RECOVERED 5/8" REBAR AND 2" ALUMINUM CAP. LS 20152 RECOVERED 5/8" REBAR AND 2" ALUMINUM CAP STAMPED LS 23901 RECOVERED 5/8" REBAR AND 1" ALUMINUM CAP STAMPED LS 1776 RECOVERED 5/8" REBAR AND 1.5" LUMINUM CAP STAMPED LS 15296 A RECOVERED 5/8" REBAR AND 1.5" ALUMINUM CAP STAMPED LS 2343 RECOVERED 5/8" REBAR ALUMINUM CAP STAMPED WRIGHT ENGINEERING LS 16117 ALUMINUM CAP, STAMPED LS 23506 RECOVERED 5/8" REBAR AND 1.5" ALUMINUM CAP. LS 20152 RECOVERED 5/8" REBAR AND RECOVERED 5/8" KEBAR AND 1.5" ALUMINUM CAP. LS 31544 Stackhaus No. 1 Annexation

Town of Buena Vista

- GENERAL NOTES: 1. The purpose of this Annexation Plat is to show the recovered monumentations of the current County Road 306 right of way to be annexed. There have not been any documents provide or discovered describing the current right of way. This right of way width varies, as shown hereon. Last date of field observations, November 17, 2021. This is not a Land Survey Plat.
- 2. The County Road 306 Right of way is based on adjacent property deeds and on the location of the monuments set by others, as shown hereon. Complete boundary surveys were not complete on the
- 3. All bearing are grid bearings of the Colorado State Plane Coordinate System, Central Zone, North American Datum 1983. The basis of grid bearing was determined by GPS RTK observation between recovered monuments at the Northeast corner of the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of said Section 18, monumented by an 8" x 8" x 8" Stone scribed ¼ and the Southeast corner of the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of said Section 18, monumented by 2" aluminum cap on a No. 6 rebar, stamped Paul A. Meyer T14S R78W C1/4 + S18 1996 LS 20152 That bearing being South 00°09'58" West.
- 4. This does not constitute a title search by TOTL Surveys, Inc. to determine ownership or easements of record. A diligent search was made of the Chaffee County Clerk and Recorders Office records for deposited or recorded plats in the area. A diligent search for the closest available monumentation was performed and those monuments are shown hereon.
- 5. The total perimeter of the land being annexed = 3049 linear feet. The total perimeter of the contiguous with the present corporate limits of the Town of Buena Vista = 581 linear feet. Ratio of annexed to contiguous boundary = 19%.



ANNEXATION DESCRIPTION

A parcel of land located in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) and the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) of Section 18, Township 14 South, Range 78 West of the 6th Principal Meridian, Chaffee County, Colorado, described as follows:

COMMENCING at the Northeast corner of the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of said Section 18, monumented by an 8" x 8" x 8" Stone scribed 1/4;

FROM WHENCE Southeast corner of the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of said Section 18 bears South 00°09'58" West 2616.86 feet, monumented by 2" aluminum cap on a No. 6 rebar, stamped Paul A. Meyer T14S R78W C1/4 + S18 1996 LS 20152 with all other bearings contained herein being relative thereto; THENCE South 24°51'37" West 2036.05 feet to the Southerly right of way of County Road 306, the Northwest corner of real property described at reception number 469614 and POINT OF BEGINNING, monumented by a 1.5" aluminum cap on a 5/8" rebar stamped WRIGHT ENG C/B 2343; THENCE, leaving said Southerly right of way, North 00°03'46" West 62.50 feet to the Northerly right of way of County Road 306; THENCE, Northeasterly, along said Northerly right of way the following seven

1. North 75°33'18" East 178.51 feet to a 1" aluminum cap on a 5/8" rebar stamped PROPERTY CORNER LS 1776;

- 2. North 75°33'38" East 350.92 feet to a 1" aluminum cap on a 5/8" rebar stamped PROPERTY CORNER LS 1776;
- 3. North 75°24'51" East 350.08 feet; 4. North 74°36'32" East 41.52 feet;
- 5. North 75°35'50" East 232.23 feet;
- 6. North 73°22'28" East 51.28 feet to a 1.5" aluminum cap on a 5/8" rebar stamped WRIGHT ENG 2343;
- 7. North 73°35'43" East 250.71 feet to a 1.5" aluminum cap on a 5/8" rebar stamped WRIGHT ENG 2343;

THENCE, leaving said Northerly right of way, South 05°38'47" East 71.87 feet to the Southerly right of way of County Road 306, monumented by a 1.5" aluminum cap set in concrete; THENCE, Southwesterly, along said Southerly right of way the following nine (9) courses;

- 1. South 75°40'20" West 37.87 feet to a 1.5" aluminum cap stamped PAUL A. MEYER LS 20152 set in concrete; 2. South 75°44'41" West 41.10 feet to a 1.5" aluminum cap on a 5/8" rebar stamped WRIGHT ENG LS 16117;
- 3. South 75°32'20" West 175.92 feet to a 1.5" aluminum cap on a 5/8" rebar stamped WRIGHT ENG LS 16117;
- 4. South 75°37'35" West 156.13 feet to a 1.5" aluminum cap on a 5/8" rebar stamped WRIGHT ENG 2343;
- 5. South 75°22'05" West 169.79 feet to a 1" aluminum cap on a 5/8" rebar stamped PROPERTY CORNER LS 1776; 6. South 75°31'49" West 162.85 feet to a 5/8" rebar;
- 7. South 75°48'19" West 61.83 feet;
- 8. South 75°24'04" West 225.12 feet to a 1" aluminum cap on a 5/8" rebar stamped PROPERTY CORNER LS 1776; 9. South 75°27'06" West 429.00 feet to the POINT OF BEGINNING.
- Containing 2.046 Acres, more or less.

Approved this _____ ____ day of__ Town of Buena Vista, A Colorado Municipal Corporation

Town Clerk

PRELIMINARY

Stackhaus No. 1 Annexation 15750 CR 306 BUENA VISTA, CO 81211 TOTL Surveys, Inc. Po. Box 5146- Buena Vista, CO 81211. PHONE 719-395-6630.

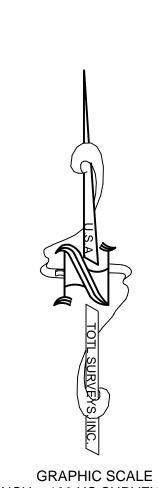
Top Of The Line Surveys, Inc. 21-013Topo15750CT306 BV

NOTICE:

ACCORDING TO COLORADO LAW (C. R. S. 13-80-105) YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE STATEMENT SHOWN HEREON.

Stackhaus No. 2 Annexation

Located in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) and the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) of Section 18, Township 14 South, Range 78 West of the 6th Principal Meridian, Chaffee County, Colorado



1INCH = 100 US SURVEY FEET

 $\mathcal{L}\mathcal{E}\mathcal{G}\mathcal{E}\mathcal{N}\mathcal{D}$ RECOVERED 8"x8"x8" STONE SCRIBED 1/4 RECOVERED 5/8" REBAR AND 2" ALUMINUM CAP. LS 20152 RECOVERED 5/8" REBAR AND 2"
ALUMINUM CAP STAMPED LS 23901 RECOVERED 5/8" REBAR AND 1" LUMINUM CAP STAMPED LS 1776 © RECOVERED 5/8" REBAR AND 1.5" RECOVERED 5/8" REBAR AND 1.5" ALUMINUM CAP STAMPED LS 2343 O RECOVERED 5/8" REBAR RECOVERED 5/8" REBAR AND 1.5"
ALUMINUM CAP STAMPED WRIGHT
ENGINEERING LS 16117 RECOVERED 5/8" REBAR AND 1.5" ALUMINUM CAP, STAMPED LS 23506 RECOVERED 5/8" REBAR AND 1.5" ALUMINUM CAP. LS 20152 RECOVERED 5/8" REBAR AND 1.5" ALUMINUM CAP. LS 31544 RECOVERED 5/8" REBAR AND 1.5" ALUMINUM CAP. LS 31544 Stackhaus No. 2 Annexation

1. The purpose of this Annexation Plat is to show the area to be annexed. Last date of field observations, November 17, 2021. This is not a Land Survey Plat.

2. The County Road 306 Right of way is based on adjacent property deeds and on the location of the monuments set by others, as shown hereon. Complete boundary surveys were not complete on the

Town of Buena Vista

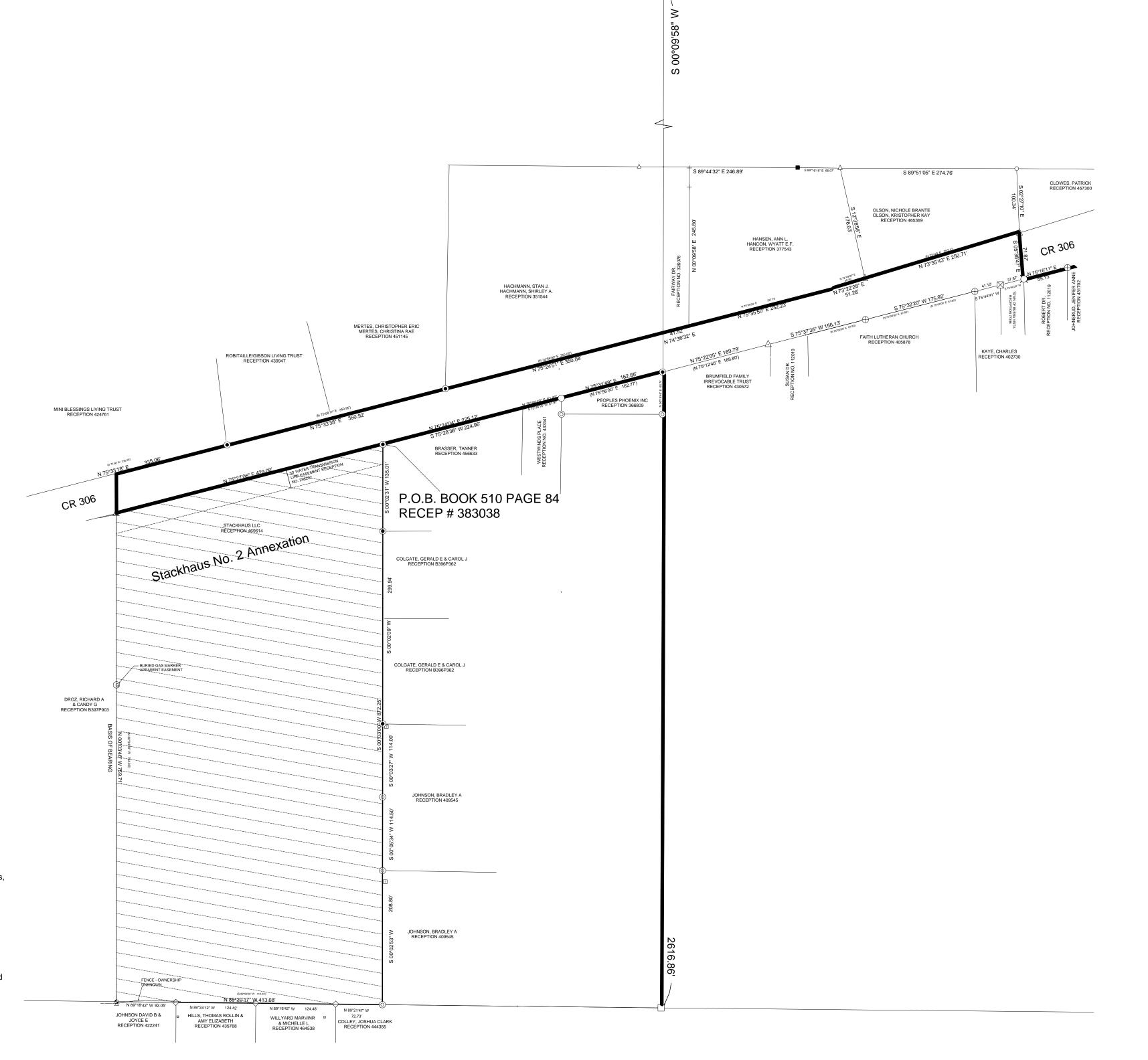
3. All bearing are grid bearings of the Colorado State Plane Coordinate System, Central Zone, North American Datum 1983. The basis of grid bearing was determined by GPS RTK observation between recovered monuments at the Northeast corner of the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of said Section 18, monumented by an 8" x 8" x 8" Stone scribed 1/4 and the Southeast corner of the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of said Section 18, monumented by 2" aluminum cap on a No. 6 rebar, stamped Paul A. Meyer T14S R78W C1/4 + S18 1996 LS 20152 That bearing being South 00°09'58" West.

4. This does not constitute a title search by TOTL Surveys, Inc. to determine ownership or easements of record. A diligent search was made of the Chaffee County Clerk and Recorders Office records for deposited or recorded plats in the area. A diligent search for the closest available monumentation was performed and those monuments are shown hereon.

5. The total perimeter of the land being annexed = 2,475 linear feet. The total perimeter of the contiguous with the present corporate limits of the Town of Buena Vista = 429.00 linear feet. Ratio of annexed to contiguous boundary = 17%.

NOTICE:

ACCORDING TO COLORADO LAW (C. R. S. 13-80-105) YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE STATEMENT SHOWN HEREON.



ANNEXATION DESCRIPTION

A tract of land located in the Southeast Quarter of the Northwest Quarter of Section 18, Township 14 South, Range 78 West of the 6th Principal Meridian, Chaffee County, Colorado, more particularly described as beginning at the North Quarter Corner (Rock) of said Section 18;

thence South 00°29'00" East 1627.80 feet to a point on the Southerly right-of-way of Colorado State Highway No. 306; thence South 74°56'00" West 450.0 feet along said right-of-way, which point is the true point of beginning;

thence South 00°29'00" East 875.49 feet;

thence South 89°59'00" West 414.03 feet;

thence North 00°34'30" West 764.09 feet to a point on the Southerly right-of-way of Colorado State Highway No. 306;

thence North 74°56'00" East 429.06 feet along said right-of-way to the point of beginning. TOGETHER WITH right-of-way easement as described in instrument recorded July 6, 2005 as Reception No. 351808.

Approved this _____ day of____,
Town of Buena Vista, A Colorado Municipal Corporation

Attention St. Mayor ELIMINARY

Stackhaus No. 2 Annexation 15750 CR 306 BUENA VISTA, CO 81211 TOTL Surveys, Inc. Po. Box 5146- Buena Vista, CO 81211. PHONE 719-395-6630. Top Of The Line Surveys, Inc.

21-013Topo15750CT306 BV

2-14-2022

MASTER DEVELOPMENT AGREEMENT

THIS MASTER DEVELOPMENT AGREEMENT ("A	Agreement") is made and entered
into this 14h day of December 2021, by and amo	ong the Town of Buena Vista, a
Colorado municipal corporation, (the "Town") and Stackhaus Ll	. (the "Owner").
Alex Telrhoist	Managing Member
RECITALS	<i>-</i>)

WHEREAS, the Owner owns an approximately $\frac{1}{2}$ acre parcel of land located in Chaffee County (the "Property"), and as more particularly described in Exhibit A attached hereto and incorporated herein by reference;

WHEREAS, the Owner has submitted a petition for annexation to the Town and requested High Density Residential (R-3) zoning for the Property in order to develop a residential project within the Property (the "Development");

WHEREAS, as a condition of annexation to the Town, the Town desires to establish certain standards for the Development in order to serve the public interest and the best interests of the citizens of the Town as set forth in this Agreement;

WHEREAS, the Owner acknowledges and understands that the execution of this Agreement is a condition of annexation and without it, the Town would likely not annex the Property;

WHEREAS, both the Town and the Owner understand and agree that the Owner intends to submit subsequent applications for subdivision and development for each phase of development of the Property at some future date in accordance with the development regulations set forth in the Buena Vista Municipal Code ("Code"), and that at that time of subdivision a separate public improvement agreements for each final plat will be required of Owner in conjunction with the subdivision process, which public improvement agreement will address the required improvements and special provisions related to the subdivision and development of the Property located within each such final plat; and

WHEREAS, this Agreement is not intended to replace the public improvement agreements for each final plat, but is intended only to bind the parties hereto to those items specifically relied upon by the Board of Trustees in making findings and in determining that the annexation was appropriate for the Town.

NOW, THEREFORE, in consideration of the foregoing, the parties hereto promise, covenant and agree as follows:

- 1. **Incorporation of Recitals.** The parties agree that the aforesaid recitals are true and correct, and those recitals are hereby incorporated into the body of this Agreement.
- 2. **Separate Development Agreements**. The Town and the Owner agree that the public improvements obligations for the Property shall be set forth in separate public improvement agreements to be entered into by the parties at the time of final plat for each

such phase or final plat, in accordance with the development regulations of the Code and in conjunction with the subdivision process. The public improvement agreement may incorporate any public improvement set forth in this Agreement.

- 3. **Maximum Number of Dwelling Units and SFEs.** Regardless of the type of zoning approved by the Town for the Property, no more than one hundred and one (101) dwelling units and no more than seventy-three (73) single-family equivalents (SFEs) shall be constructed on the Property.
- 4. **Building Height and Setbacks.** Regardless of the type of zoning approved by the Town for the Property, buildings on the Property may not be more than two (2) stories in height. Buildings adjacent to the east and south property lines shall be subject to a twenty foot (20') setback from that adjacent property line.
- 5. **Traffic Study and County Road 306.** The Owner agrees to obtain a traffic study, if requested by the Town, at any time during the development or subdivision process. Future improvements may be required for County Road 306 in order to serve the Development and the Town may require such improvements to be made as a condition of development or subdivision. The parties agree that the Owner shall be responsible for any and all improvements to County Road 306 to meet the Town's standards, including but not limited to, acceleration, deceleration, or turn lanes.
- 6. **Public Improvements.** In addition to other public improvements that the Town will require as part of the approval of the Development, the Town requires the Owner to comply with the following:
- A. Interior roads in the Development may not be closed system and the Owner is required to provide at least one (1) point of connection to the property immediately adjacent to the west of the Property. The point of connection may be stub road until the property to the west is developed. The location of the point of connection must be approved by Town staff.
- B. At a minimum, the Owner shall develop a recreational trail along the south boundary of the Property in a location, subject to the Town's approval, which would connect to the proposed extension of the Peaks View Trail pursuant to the Town's Community Trails Plan.
- 7. **Long Term Housing.** Thirty percent (30%) of the total units must be restricted to long-term housing and may not be used as short-term rentals. The development of these restricted units must be divided up throughout the period that Owner is creating Development and such timing shall be as approved by the Town. Under no circumstances may the development of these restricted units be postponed until the final phase of the Development. The limitation on these restricted uses shall be imposed by deed, unless otherwise agreed to by the Town.
- 8. **Existing Single Family Dwelling.** At the time of annexation, a detached single family dwelling was located on the Property. The Owner is permitted to submit an application for the Property to create one lot for this dwelling prior to developing the

remainder of the Property. Any subdivision of the Property must meet the standards and criteria set forth in the Code.

- 9. **Default by Owner.** If any material condition, obligation, or duty is not timely made, tendered, or performed by the Owner under this Agreement, the Town may declare the Owner in default, following the notice and cure period referenced below, may proceed to seek any remedy available at law or in equity, including specific performance, damages, court costs, and attorney fees and costs as may be proper. In addition, if the Owner fails to fulfill the terms and conditions of this Agreement, the Town, in its reasonable discretion, may declare Owner in default and may withhold any additional building permits, certificates of occupancy, or provision of new utilities fixtures or services until the default is cured. No remedy or election hereunder shall be deemed exclusive but shall, whenever possible, be cumulative with all other remedies at law or in equity.
- 10. **Notice of Default and Cure Period.** In the event of an alleged default by the Owner under this Agreement, the Town may deliver written notice to the Owner of such default, at the address specified herein, and the Owner shall have thirty (30) days from and after receipt of such notice to cure such default. If such default is not of a type which can be cured within such thirty (30) day period and the Owner gives written notice to the Town within such thirty (30) day period that it is actively and diligently pursuing such cure, then the Owner shall have a reasonable period of time given the nature of the default following the end of such thirty (30) day period to cure such default, provided that the Owner is at all times within such additional time period actively and diligently pursuing such cure in good faith.
- 11. **Representations and Warranties by Owner**. The Owner represents and warrants to Town that:
- A. The execution and delivery of this Agreement and such documents and the performance and observance of their terms, conditions and obligations have been duly and validly authorized by all necessary action on its part, and such documents and such performance and observance are valid and binding upon the Owner;
- B. The execution and delivery of this Agreement and the documents required hereunder and the consummation of the transactions contemplated by this Agreement will not (1) conflict with or contravene any law, order, rule or regulation applicable to the Owner, (2) result in the breach of any of the terms or provisions or constitute a default under any agreement or other instrument to which the Owner is a party or by which it may be bound or affected, or (3) permit any party to terminate any such agreement or instruments or to accelerate the maturity of any indebtedness or other obligation of the Owner; and
- C. This Agreement constitutes a valid and binding obligation of the Owner, enforceable according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditors' rights and by equitable principles, whether considered at law or in equity.

- 12. **Title and Authority.** The Owner warrant to the Town that the Owner is the record owner of the Property.
- 13. **Recording Agreement**. The Town shall record this Agreement at the Owner's expense in the office of the Chaffee County Clerk and Recorder.
- 14. **Binding Effect of Agreement**. This Agreement shall run with the Property and shall inure to the benefit of and be binding upon the Owner and the successors, heirs, assigns, and any other person or entity acquiring or purchasing any interest in any of the Owner.
- 15. **Modification and Waiver**. No modification of the terms of this Agreement shall be valid unless in writing and executed with the same formality as this Agreement, and no waiver of the breach of the provisions of any sections of this Agreement shall be construed as a waiver of any subsequent breach of the same section or any other sections which are contained herein.
- 16. **Addresses for Notice**. Any notice or communication required or permitted hereunder shall be given in writing and shall be personally delivered, sent via overnight delivery service or sent by United States mail, postage, prepaid, registered or certified mail, return receipt requested, addressed as follows:

Town:	Owner:	
Town of Buena Vista	Stackhaus LLC C/O Alex Telthorn	
Town Administrator	POBOX 164	
P.O. Box 2002	Buena Vistageo	
Buena Vista, CO 81211	8 1211	

With a copy (which shall not constitute notice) to:

With a copy (which shall not constitute notice) to:

Jefferson H. Parker Hoffmann, Parker, Wilson & Carberry, P.C. 511 16th Street, Suite 610 Denver, CO 80202

With a copy to such other address or the attention of such other person(s) as hereafter designated in writing by the applicable parties in conformance with this procedure. Notices shall be effective upon mailing or personal delivery in compliance with this paragraph.

- 17. **Previous Agreements**. This Agreement shall constitute the entire agreement between the parties hereto and shall supersede all prior contracts, proposals, representations, negotiations and letters of intent, whether written or oral, pertaining to the Development.
- 18. **Severability**. If any part, section, subsection, sentence, clause or phrase of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Agreement. The parties hereby declare that they would have ratified this Agreement including each part, section, subsection, sentence, clause or phrase thereof; irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.
- 19. Additional Documents or Action. The parties agree to execute any additional documents or take any additional action that is necessary to carry out this Agreement or is reasonably requested by the other party to confirm or clarify the intent of the provisions hereof and to effectuate the agreements herein contained and the intent hereof. If all or any portion of this Agreement are asserted or determined to be invalid, illegal or are otherwise precluded, the parties, within the scope of their powers and duties, shall cooperate in the joint defense of such documents and, if such defense is unsuccessful, the parties will use reasonable, diligent good faith efforts to amend, reform or replace such precluded items to assure, to the extent legally permissible, that each party substantially receives the benefits that it would have received under this Agreement.
- 20. **Attorney Fees**. In the event that the Town finds it necessary to retain an attorney in connection with a default by the Owner as to any of the provisions contained in this Agreement, the Owner shall pay the Town's reasonable attorney fees and costs incurred in enforcing the provisions of this Agreement.
- 21. **Situs, Venue and Severability**. The laws of the State of Colorado shall govern the interpretation, validity, performance and enforcement of this Agreement. For the resolution of any dispute arising hereunder, venue shall be in courts of competent jurisdiction in Chaffee County, Colorado.
- 22. **Paragraph Headings**. Paragraph headings are inserted for convenience only and in no way limit or define the interpretation to be placed upon this Agreement.
- 23. **Limited Third Party Beneficiaries**. This Agreement is intended to describe the rights and responsibilities only as to the parties hereto and is not intended and shall not be deemed to confer any rights on any person or entity not named as a party hereto.
- 24. **No Presumption**. The parties to this Agreement and their attorneys have had a full opportunity to review and participate in the drafting of the final form of this Agreement. Accordingly, this Agreement shall be construed without regard to any presumption or other rule of construction against the party causing the Agreement to be drafted.
- 25. **Parties Not Partners.** Notwithstanding any language in this Agreement or any other agreement, representation, or warranty to the contrary, the parties shall not be deemed

to be partners or joint venturers, and no party shall be responsible for any debt or liability of any other party.

- 26. **No Waiver of Immunity.** Nothing contained in this Agreement constitutes a waiver of sovereign immunity or governmental immunity by any party under applicable state law.
- 27. **Nonliability of Officials, Agents and Employees.** No trustee, board member, commissioner, official, employee, consultant, attorney or agent of any party shall be personally liable to any party under this Agreement or in the event of any default or for any amount that may become due to any party.
- 28. **Execution in Counterparts**. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

TOWN OF BUENA VISTA:	OWNER:
	Ala The
Duff Lacy, Mayor	Stackhaus LLC Maineging Member
ATTEST:	
Paula Barnett, Town Clerk	
STATE OF COLORADO)	SS.
COUNTY OF)	
Subscribed and sworn Alex Telthorst.	to before me this 1440 day of December, 2021, by
Witness my hand and official so My Commission expires <u>\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\</u>	eal.
	Paulo Barrett
Paula Jo Barneti NOTARY PUBLIC STATE OF COLORADO	Notary Public

NOTARY ID# 19944005009 MY COMMISSION EXPIRES OCTOBER 29, 2025

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, being first duly sworn upon oath, deposes and says:

That he was the circulator of the foregoing Petition for Annexation of lands to the Town of Buena Vista, Colorado, consisting of six (6) pages including this page, and that each signature thereon was witnessed by the affiant and is the true signature of the person whose name it purports to be.

Alex Telthorst, as member of Stackhaus

LLC

STATE OF COLORADO) ss.
COUNTY OF Chaffer)

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 14th day of December, 2021, by Alex To Hhorst.

Witness my hand and official seal.

My Commission expires: 10-19-2015

[SEAL]

Paula Jo Barnett
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID# 19944005009
MY COMMISSION EXPIRES OCTOBER 28, 2025

Notary Public

EXHIBIT "A"

A tract of land located in the Southeast Quarter of the Northwest Quarter of Section 18, Township 14 South, Range 78 West of the 6th Principal Meridian, Chaffee County, Colorado, more particularly described as beginning at the North Quarter Corner (Rock) of said Section 18;

thence South 00°29'00" East 1627.80 feet to a point on the Southerly right-of-way of

Colorado State Highway No. 306:

thence South 74°56'00" West 450.0 feet along said right-of-way, which point is the true point of beginning;

thence South 00°29'00" East 875.49 feet:

thence South 89°59'00" West 414.03 feet;

thence North 00°34'30" West 764.09 feet to a point on the Southerly right-of-way of Colorado State Highway No. 306;

thence North 74°56'00" East 429.06 feet along said right-of-way to the point of beginning.

TOGETHER WITH right-of-way easement as described in instrument recorded July 6, 2005 as Reception No. 351808.

also known by street address as: 15750 County Road 306, Buena Vista, CO 81211, Together with, without any warranty or representation whatsoever, any water, or rights or claims to water or water rights, or ditch or ditch rights (if any) associated with, appurtenant to, or used in connection with, the Property and assessor's schedule or parcel no.:

with all appurtenances.

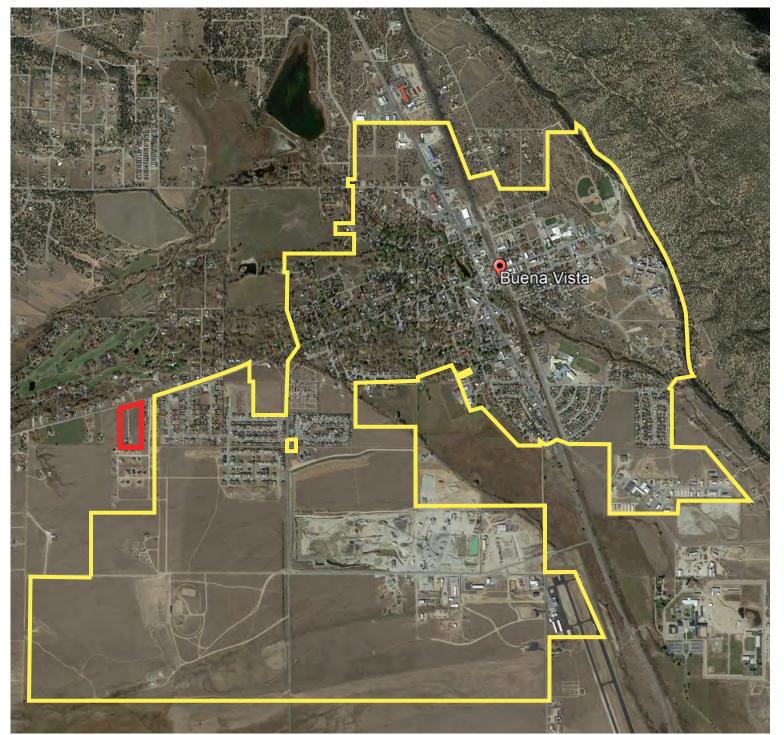


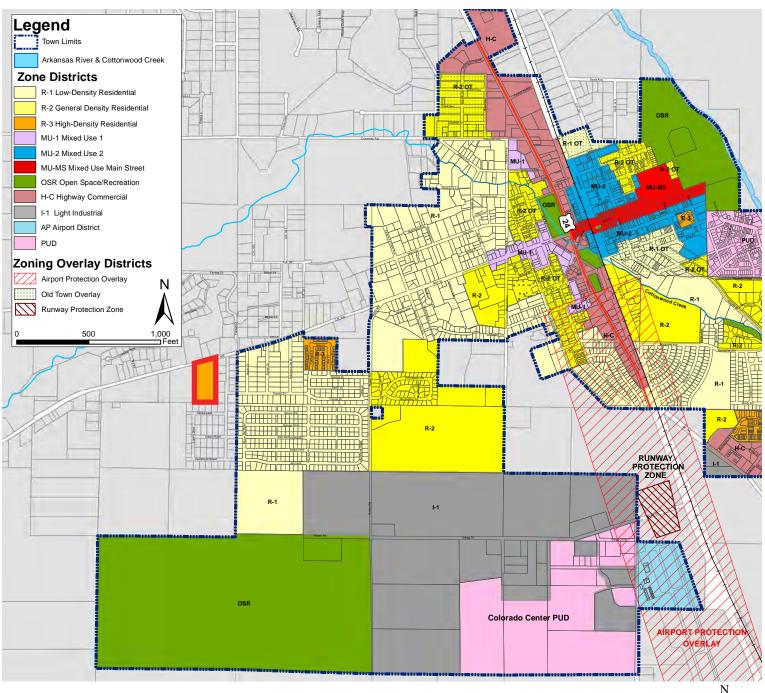






OFFICAL TOWN OF BUENA VISTA ZONING MAP

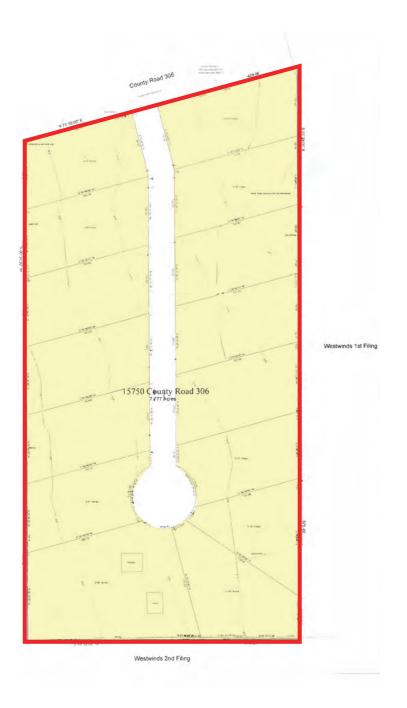






WOLFF LYON ARCHITECTS

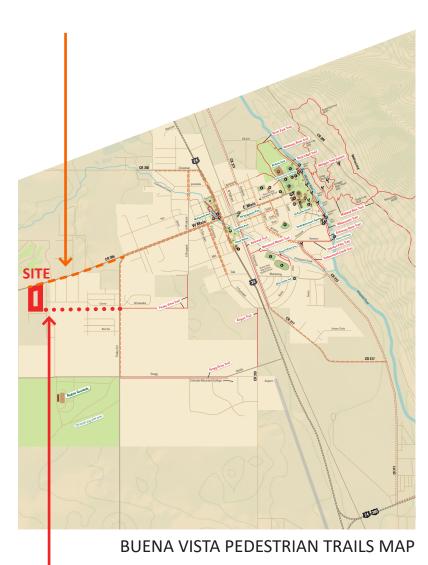
APRIL 19, 202



ALLOWED SITE PLAN WITHOUT ANNEXATION

ALONG THE SOUTH SIDE OF CR 306. Phase I Homes and **Townhomes** Road and alley stubs to west contemplate future development.

PROPOSED SITE PLAN WITH ANNEXATION



POTENTIAL BIKE LANE EXTENSION

POTENTIAL TRAIL EXTENSION OF PEAKS VIEW TRAIL ALONG CO NATURAL GAS PIPELINE R.O.W.

The proposed site plan offers a diversity of housing types and is organized with a network of streets and open spaces that focus on the neighborhood park which is the largest common amenity and is central to the plan. The neighborhood contemplates potential future connection to the west and a trails connection to the southeast giving it greater connectivity to future and existing services.

N.T.S

WOLFF LYON ARCHITECTS



County Road 306 A diversity of building types provides housing opportunities for a range of income levels, family sizes, 8-unit, 2-story walk-up and lifestyles. apartments address CR 306. This building type is simple to construct, requires one means of egress from the second floor, and can be designed with an architectural style that Trash collection for apartment is compatible with the smaller buildings located off of alley buildings in this neighborhood Placement of the apartment buildings and parking along the eastern edge of A 10' easement for buried gas the property, as well as a line proposed two-story limit for buildings in proximity to the existing homes along that eastern edge, is intentional Townhomes and apartment and an effort to limit buildings face the public park mountain viewshed impacts giving it definition with their for neighboring residents taller forms A 48' right-of-way with 27' of Parks and tree lawns operate pavement provides parking as part of the stormwater on one side. The narrower management system street section promotes reduced traffic speeds and creates a pedestrian friendly Optional carriage house with environment additional surface parking A 20' wide right-of-way provides alley access to all small lot single family homes Townhomes and single family and townhomes lots have private outdoor spaces in their backyards A 20' easement for overhead utility line Existing single family home and garage Front porches orient toward the public sidewalks and create a pedestrian friendly environment Trail parking provided for potential extension of Peaks View Trail Trail extension SCALE: 1' = 100'-0"

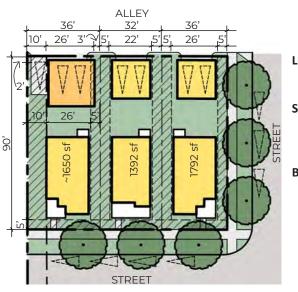
CONDOS/ APARTMENTS
TOWNHOMES (20')
FOWNHOMES (16)
NTERIOR LOT SINGLE FAMILY (32')
END LOT SINGLE FAMILY (36')
ARGE LOT SINGLE FAMILY (60+')
CARRIAGE HOUSE (OPTIONAL)
ON-STREET PARKING
SOUTH TRAIL PARKING
TOTAL

UNITS	BUILDINGS	PARKING	PARKING	PARKING
64	8	4	65	69
8	4	16	-	16
10	4	-	20	20
6	6	12	-	12
13	13	26	-	26
3	3	6	-	6
9*	1	(ABOVE)	11	11
			49	49
			16	16
104	34	64	161	225

^{*}Carriage units are not included in the total unit count

The network of streets is organized with a hierarchy. The largest right-of-way is at the head of the neighborhood. It provides parking on both sides and is perpendicular to CR 306.

ALLEY LOADED DETACHED HOME LOT TYPE



Lot Dimensions:

Min. Lot Area: 2,500 sf Min. Lot Width: 25'

Setbacks:

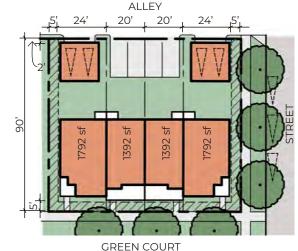
Front: 5'

Rear: 0 (with Alley present)¹ Side: 5'²

Building:

Primary bldg height, max: 35' Accessory bldg height, max: 30'³ Min. total floor area: 896 sf Max. building coverage: 75%

ALLEY LOADED TOWNHOUSE LOT TYPE



Lot Dimensions:

Min. Lot Area: 1,500 sf Min. Lot Width: 15'

Setbacks:

Front: 5'

Rear: 0 (with Alley present)¹ Side: 5'; 0 when attached

Building:

Primary bldg height, max: 35' Accessory bldg height, max: 30' Min. total floor area: 1000 sf Max. building coverage: 75%

¹Garage setback 2' to allow for 24' back up clearance between garages across alley. ²Garages are setback 3' on side to allow for optional carriage house. Larger easements along east/west boundaries allows for additional parking space for carriage house ³Optional Carriage House Height

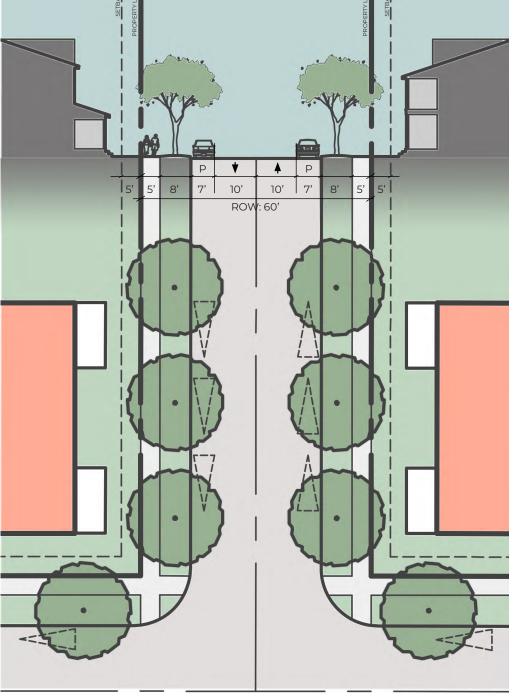
WOLFF LYON ARCHITECTS

TOM LYON, AIA



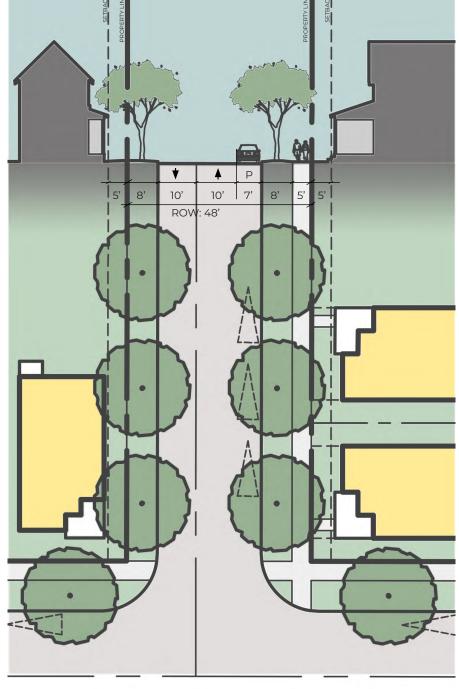


Туре	Access	
	Street	
Right-of-Way	60'	
Curb-to-Curb	34'	
On-Street Parking	7' Parallel on	
	both sides	
Curb Radius	15' max.	
Street Trees	8' width on	
	both sides,	
	max. 30' o.c.	
Sidewalks	5' min. on	
	both sides	





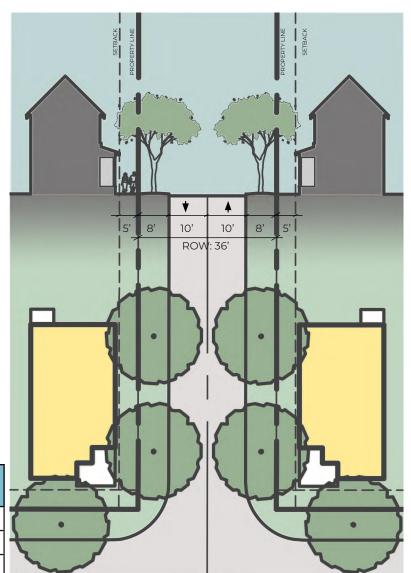
Type	Neighborhood Street
Right-of-Way	48'
Curb-to-Curb	27'
On-Street Parking	7' Parallel on one side
Curb Radius	15' max.
Street Trees	8' width on both sides, max. 30' o.c.
Sidewalks	5' min. on parking side



WOLFF LYON ARCHITECTS

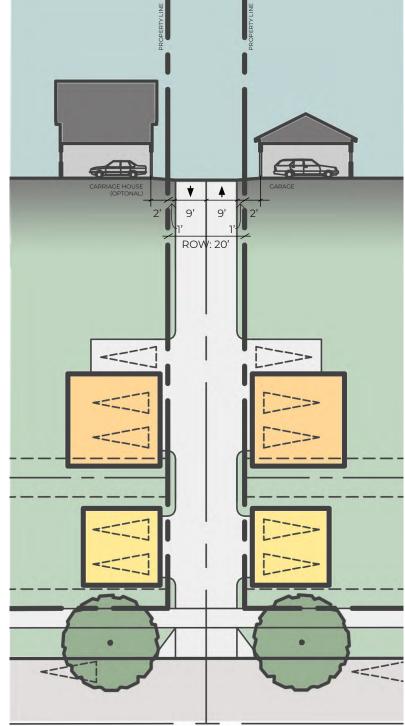


Туре	Neighborhood Street
Right-of-Way	36'
Curb-to-Curb	20'
On-Street Parking	None
Curb Radius	15' max.
Street Trees	8' width on both sides, max. 30' o.c.
Sidewalks	None





Туре	Alley
Right-of-Way	20'
Pavement width (including drain pan)	18'
On-Street Parking	No parking within ROW
Curb Radius	NA
Street Trees	NA
Sidewalks	NA



WOLFF LYON ARCHITECTS



















WOLFF LYON ARCHITECTS



Town of Buena Vista

210 East Main Street ~ Post Office Box 2002 Buena Vista, Colorado 81211 Phone: (719) 395-8643

Fax: (719) 395-8644

Zone District Summary

R-3 High-Density Residential District

The R-3 district is intended for a broad range of residential use types, including single-family and multifamily residential development at medium- and/or high-densities. The district is intended for locations close to commercial and mixed-use areas, near downtown, and may serve as a transition between lower-density residential districts and commercial or other nonresidential areas. The district should have connected streets, and accessibility to public uses such as parks, open spaces, and schools.

Subdivision Standards

Lot Area Minimum 2500 sq. ft. Lot Width Minimum 25'

Lot Area Minimum Single Family Attached 1500 sq. ft.

Lot Width Min. Single attached and duplex 15'

Building Setbacks			
Primary Structure	Front Minimum	5'	
	Rear Minimum	5'	
	Side Minimum	5'	Side minimum where attached 0'
	Maximum Height	35'	
Accessory Structure	Side Minimum	5'	
Must be located behind the front plane of the primary structure	Rear Minimum w/ Alley	0'	
plane of the primary structure	Rear Minimum w/ no alley	5'	
	Maximum Height	30'	

Building Requirements

Building Maximum Coverage 75%

Minimum Required Landscaping 15%

Minimum Required Trees 2 per lot for single-family and two-family dwellings

1 per 800 square feet of landscaped area for all other uses

Notes: [1] A single-family dwelling shall not occupy more than two historic Old Town lots; a two-family dwelling shall not occupy more than three historic Old Town lots.

[2] If alley present, then the minimum rear setback is zero..

Permitted By-Right Uses

Single Family Dwelling

Single Family Dwelling Attached

Two Family Dwelling

Multifamily Dwelling, Small and Large

Co-housing

Assisted Living Facility

Group Home

Church or Place of Worship

Park and Playground

Elementary or Secondary School

Community Garden

Bed and Breakfast

Short Term Rental

Short Term RV Parking

Long Term RV Parking

Geothermal Facility, Small

Solar Energy Facility, Small

Wind Energy Facility, Small

Telecommunication Facility, Building/ Roof Mounted

Special Uses

Live-Work

Nursing Home

Day Care Home

Community Center

Fire or Police Station

Library

Golf Course

Medical or Dental Clinic, Office, or Laboratory

General Retail

Dormitories

Hotel, Motel, Public Lodging and Boarding

Public Utility Distribution, Transmissions Line or Facility

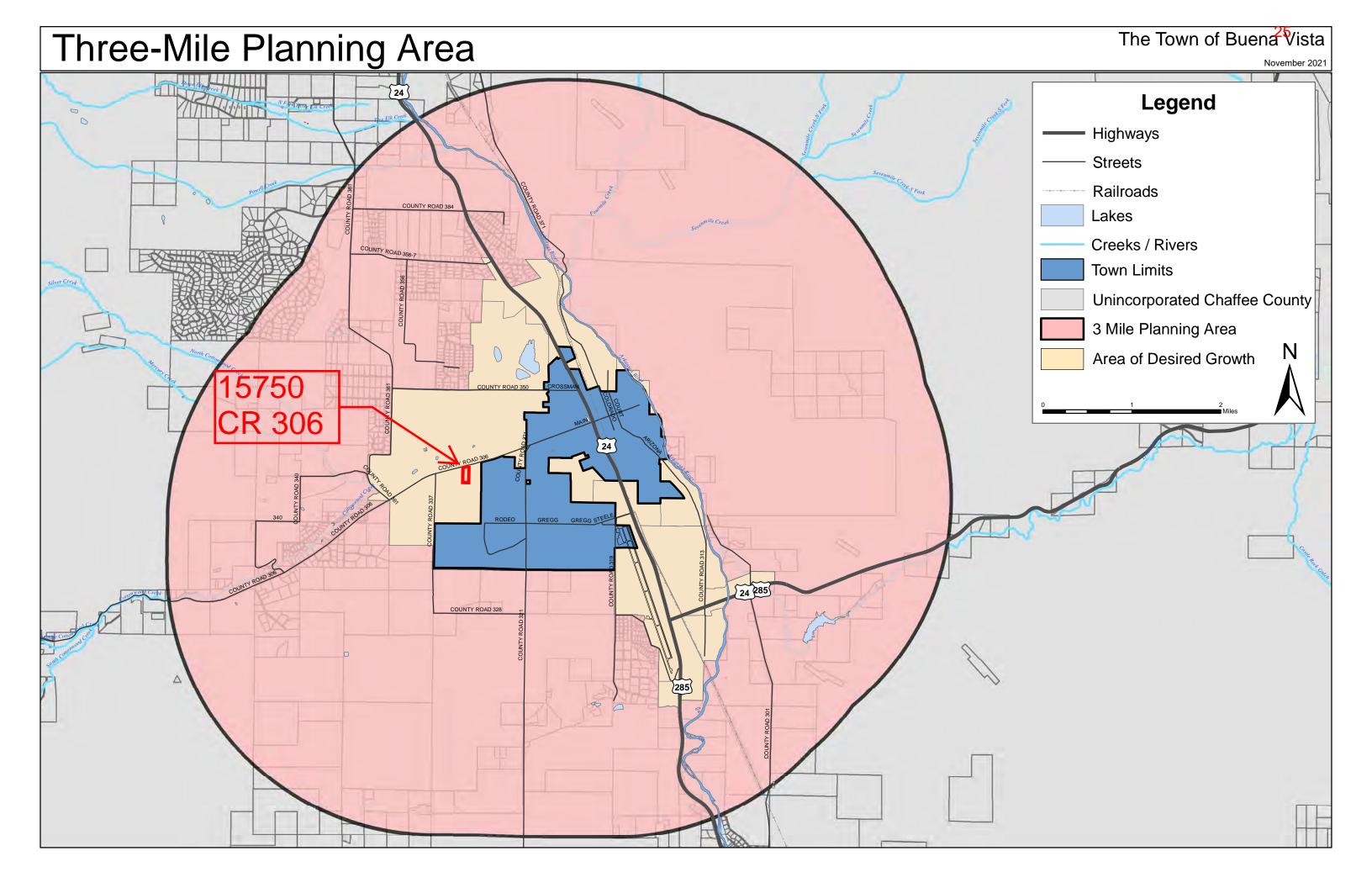
Retail Display

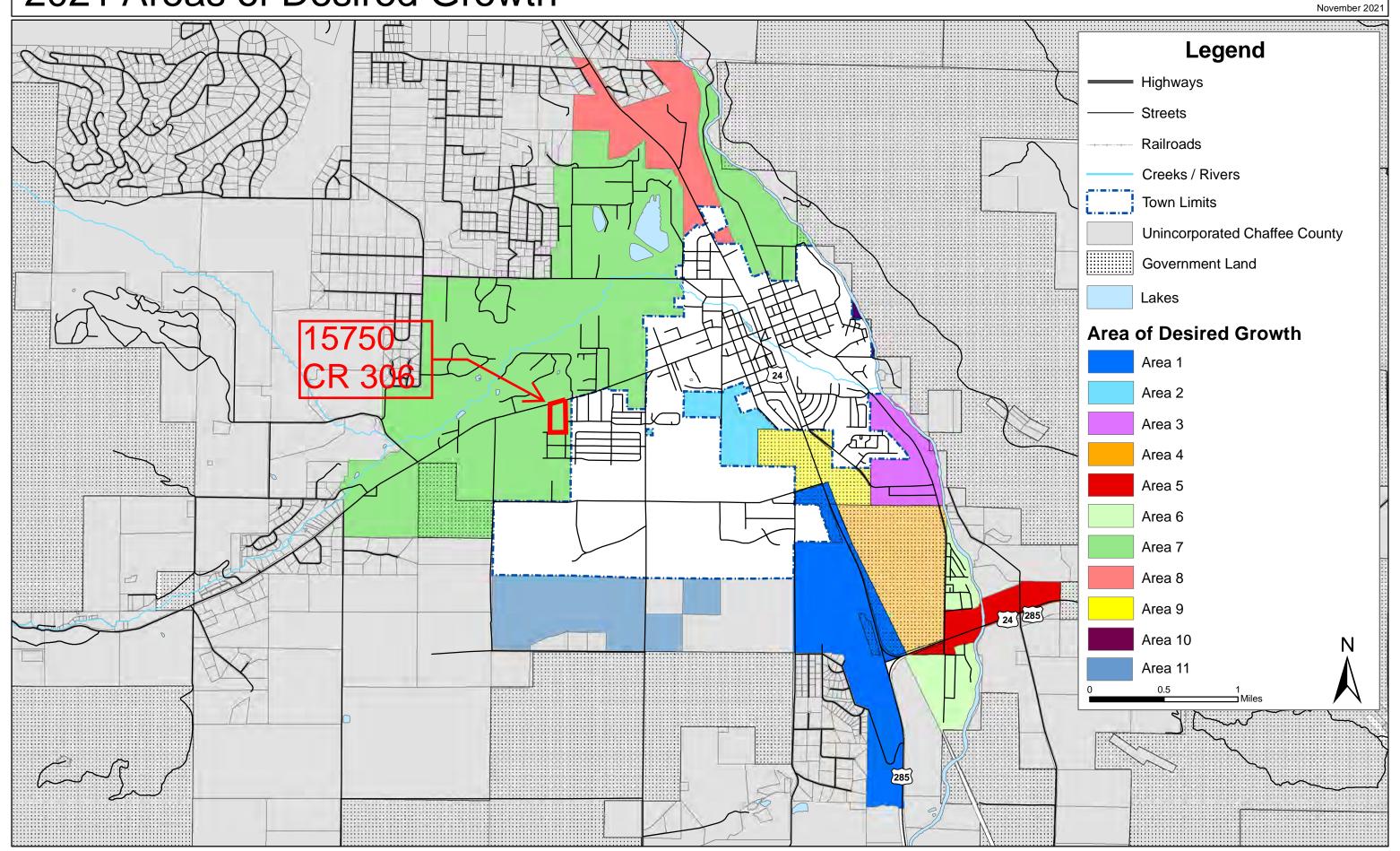
Accessory Uses

Accessory Dwelling Unit

Enclosed Storage

Home Occupation

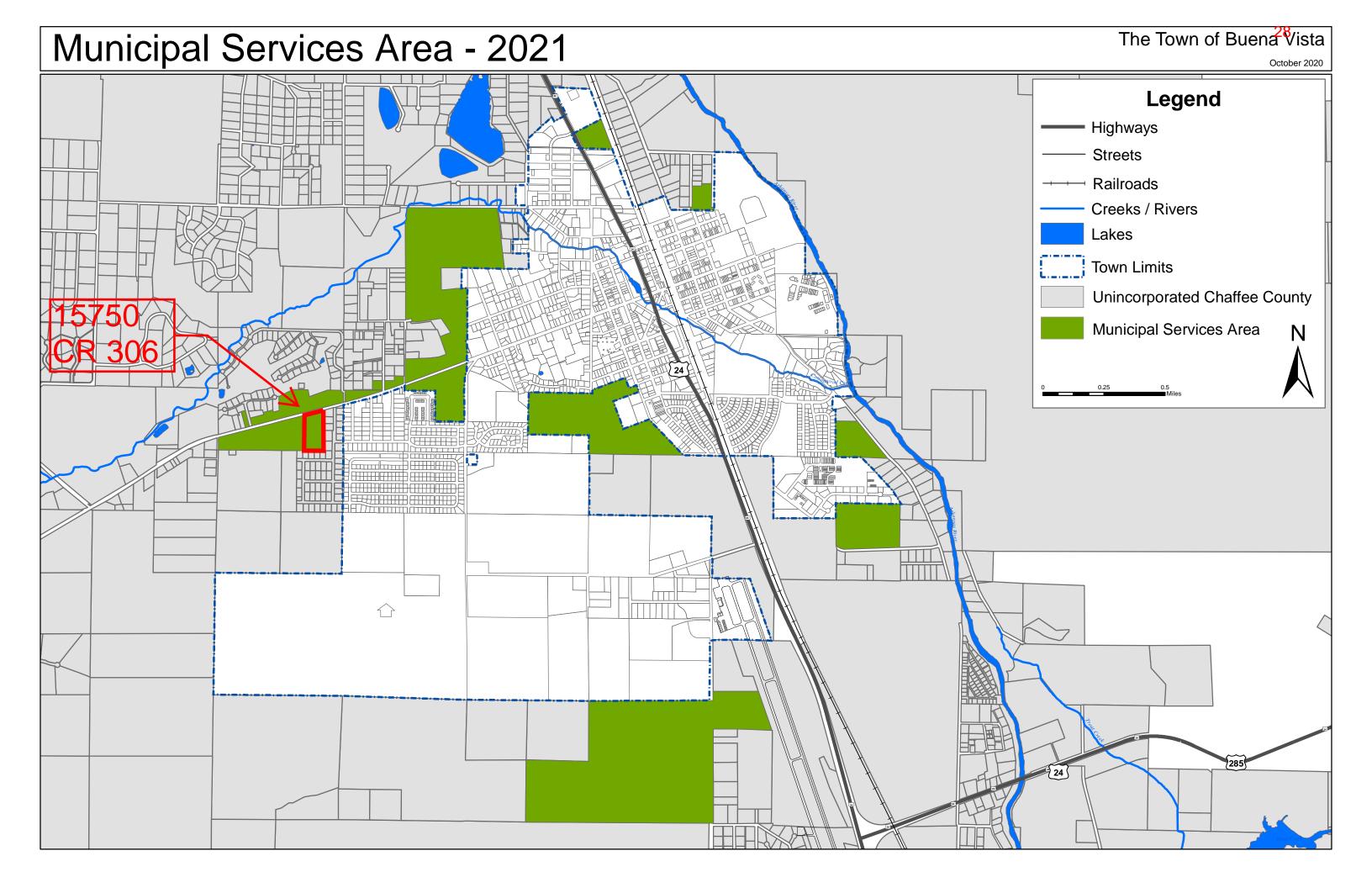




g. Area 7 – County Residential.

The majority of land is already developed as residential land uses. Known flood plains and floodways exist in the area. Annexations in this area would provide additional residential land for the Town of Buena Vista. Land south of County Road 306 that is west of the Town's water tanks was removed from previous years plans because of water pressure requirements to serve development over the elevation of the Town's water tanks. Town also previously removed land north of Crossman/County Road 350 and just west of Town because the majority of those lots are developed with rural residential uses and annexation of that area does not result in significant benefit to Town over the costs of annexing and maintaining that area.

Area 7	
Streets:	Local streets will need to be brought up to town standards. Refer to the Transportation Master Plan.
Subways:	No subways are present or planned.
Bridges:	Two existing bridges cross over Cottonwood Creek. No new bridges are planned at this time.
Waterways:	Cottonwood Creek and multiple ponds are present. No changes or expansions are planned.
Waterfronts:	Cottonwood Creek and ponds are present and future expanded water detention is not planned at this time.
Parkways, playgrounds, squares, parks, and open space:	Park and open space abutting Cottonwood Creek are desired for trails, flood control and recreational amenities. Refer to the Buena Vista Comprehensive Plan and Trail Master Plan for guidance for these elements.
Aviation fields:	Existing aviation facilities in the Town are sufficient and no new facilities are necessary.
Other public ways, and grounds:	Refer to both the Town and County's Trail Master Plans.
Public Utilities:	Utilities will need to be extended to service any new uses within the area.
Terminals for water and transportation provided by the municipality:	Water service will need to be expanded to provide service for existing properties as well as any future lots. Refer to the Water Resource Master Plan.
Land Uses:	Residential and limited historical commercial uses are desired. Refer to Chaffee County and Town of Buena Vista Comprehensive Plans and the Chaffee County Zoning Map.



February 19th, 2022

To: Town of Buena Vista Trustees

Town of Buena Vista Staff

Town of Buena Vista Planning Committee

Chaffee County Commissioners

Re: Stackhaus Annexation

We would like to share our concerns regarding the proposed Stackhaus Annexation. We live in the Westwinds area next to the proposed annexation. Westwinds inquired about annexing a few years ago. At that time, we were told we would have to cover all expenses and could not be a burden on the town. We understand that, but an annexation also should not be a burden on the county residents surrounding it. We have heard that improvements to County Road 306 have been considered but have not heard anything about the other county roads, town roads and private roads that will see more traffic if this is approved. County Road 321/Rodeo Rd, Connie Dr, Raymond Lee Dr, Robert Dr, Susan Dr, Westwinds Pl, and County Road 337 will all see impacts if this is approved. Westwinds Place would be our main concern as it is a private road maintained with Westwinds HOA funds. The additional traffic from a development directly next to us with double the homes we currently have, will have impacts not only from those living there in the future, but also from the construction traffic while it is being built. Who is going to pay for the extra maintenance that is going to be needed on these roads?

We understand that growth will happen, but we are concerned that the infrastructure will not be in place to support the proposed zoning and annexation. This will also expand the footprint for town services such as police and fire, who is going to cover those costs?

We are happy to discuss options and solutions with you. Growth will happen but let us work as a team and make it a success for all and not a burden on others.

Best Regards,

Travis & Jenny Nall

15643 Cactus Lane Buena Vista, CO. 81211

719-740-0792

Jentra123@gmail.com

From: <u>Kindra Johnson</u>

To: bvclerk@buenavistaco.gov
Subject: Opposition to Stackhaus Proposal
Date: Saturday, February 26, 2022 6:23:53 PM

Brad and Kindra Johnson 28724 Westwinds Place Buena Vista, CO 81211

February 26, 2022

Buena Vista Planning Commission and Board of Trustees 210 East Main Street PO Box 2002 Buena Vista, CO 81211

Chaffee County Commissioners PO Box 699 104 Crestone Avenue Salida, CO 81201

To whom it may concern:

As homeowners that will share a property line with the proposed Stackhaus subdivision, we are speaking our voice in opposition of the proposal for this project. We do not want this subdivision to be built and feel this will create more community harm than good.

We live, and love living in, a low density zone. The proposed properties would create a significant impact on the residents surrounding the proposed property. Having over 100 units on a 7.8 acre property does not follow any of the surrounding area requirements. We are concerned about traffic, lights at night, noise, water, and town resources. The people of this area moved to this area because we did not want this style of living right in our backyards.

The proposed areas population would have a major impact on traffic, especially in the summer. County Road 306 cannot handle the current summer traffic, let alone traffic from potentially 200 more cars (100 units would bring on average 200 more cars). There is no way to expand 306. What is the solution to this issue? Traffic lights?? Is the city going to do something with this? This also brings in traffic safety. 200 cars will bring major safety issues to an already unsafe road.

Where is the water coming from? Mentioned in the Stackhaus video is water. It was stated in the video 100% of the water is provided. By whom? What does that even mean? Water is a huge issue in our area. It also looks as though there will be plenty of grass in the proposed division. Will there be large fees imposed on water usage?

The noise and light levels are also a concern. The area has rules and regulations against lights at night and noise. We do not want this to create a sky we cannot see or lights blazing in our windows at night because there are too many homes on our property line. We live in a quiet area. 100 units will change that, especially the allowable number of short term rentals. The noise brought in by that many people, especially if they are short term vacation rentals could be guite disruptive to our area.

Only 30% of the units set to be long term housing is an issue. How does that help those who are trying to live here find housing? This will all go to vacation homes causing more issues with local work force and businesses trying to find workers. 30% long term homes will not help those who need affordable housing; specifically those who work in the schools and the prison. Is the goal to cater to vacation homes or those that work remotely? Both of which are not bad, but do not help locals who work in the area to find homes

they can afford. Keeping teachers and school staff is an issue that will continue to get worse, this will not help.

We currently have a quiet peaceful place to live. Bringing in this number of people will create a place we do not want to live in; if we did, we would have lived elsewhere in town, which we have done. As residence of the area for over 15 years, we have found our place...or at least we thought we had.

Rezoning this area to allow this type of subdivision is inappropriate for the area. Thank you for the consideration of our concerns.

Respectfully, Kindra and Brad Johnson February 22, 2022

Buena Vista Planning Commission and Board of Trustees 210 East Main Street Post Office Box 2002 Buena Vista, CO 81211

Chaffee County Commissioners P.O. Box 699 104 Crestone Avenue Salida, Colorado 81201

RE: Stackhaus Annexation and Zoning

We represent the Westwinds Subdivision, 54 lots adjacent to the east and south sides of the proposed Stackhaus annexation and rezoning. We are opposed to the R-3 zoning being proposed for this property.

Density

Current zoning on the Stackhaus property as well as surrounding properties is Low Density Residential. Minimum lot size is half acre, although four dwelling units to the acre are allowed if there is central water and sewer. If Stackhaus property were to be developed under current zoning in the County, then 15 dwelling units would be permitted under existing conditions, and a maximum of 32 dwelling units would be permitted if there were central water and sewer.

By annexing into the Town of Buena Vista, Stackhaus is proposing a rezone to R-3, High Density Residential. Under the R-3 zoning, they would be permitted to have 12.5 dwelling units per acre, giving them 101 units on their 7.8 acres. This is <u>69 more units</u> than what they would be allowed to have in the County with central water and sewer.

As you can see from the attached map, the Stackhaus property is surrounded by low density properties, with lot sizes ranging from half acre to 7.8 acres. Allowing high density development would create significant adverse impacts on the rural character of these surrounding properties. Putting 100 townhouses and apartments on 7.8 acres will definitely have negative impacts including:

- 1. Traffic on CR 306 is already heavy, especially in the summer. With the addition of 100 new dwelling units (and two cars per dwelling unit) adjacent to our subdivision, it is going to be much harder, and potentially unsafe, for us to get onto CR 306 and will bring heavy traffic into the residential areas on W. Main Street. Has the Town or the applicant studied the impacts of this large development on CR 306? Is the Town contemplating requiring Stackhaus to install a new traffic signal to handle this load?
- 2. The County codes require exterior lighting to meet Dark Skies standards, thus contributing to our rural lifestyle and enjoyment of the night sky. Will the Town also require that the Stackhaus Subdivision exterior lighting meet Dark Sky standards?



3. With the current low density residential zoning, the noise level is very low. Allowing high density residential zoning on this infill site will add noise levels similar to an urban, downtown environment which is totally inappropriate for this location.

<u>The Proposed Zoning to R-3, High Density Residential, Is Not In Compliance with the Buena Vista Comprehensive Plan</u>

The Buena Vista Municipal Code Chapter 16, Article 16.06, Section 6.4.1(C)5.c.i(a) states that a proposed rezoning has to be consistent with the Comprehensive Plan, or (c) states that there have been significant changes in the area to warrant a change in zoning.

The 3 Mile Planning Area Zoning + Proposed Land Use Intensity Zones Map of the 2015 Comprehensive Plan shows the entire area along CR 306 from Rodeo Road to just west of CR 337 as R-1, Low Density Residential. Therefore, rezoning a property that lies within that area to R-3, High Density Residential, would not be consistent with this part of the Comprehensive Plan. Likewise, there have been no significant changes in the area to warrant a change to this intensity of development.

The Buena Vista Sub Area Future Land Use Map of the Chaffee County Comprehensive Plan shows this area as Suburban Residential. That map does not show any areas of future urban density in the areas outside of the current Buena Vista town limits.

The Proposed Zoning to R-3 Is Not Consistent with the Intent of the R-3 Zone District

The appropriate zoning for this property would be R-1, Low Density Residential. However, the applicant is requesting R-3, High Density Residential. The definition of R-3 in the Buena Vista Municipal Code is: "The R-3 district is intended for a broad range of residential use types, including single-family and multifamily residential development at medium-and/or high-densities. The district is intended for locations close to commercial and mixed-use areas, near downtown, and may serve as a transition between lower-density residential districts and commercial or other nonresidential areas." The R-3 zoning is not appropriate since the property is not close to commercial or mixed-use areas nor is it near downtown. It is also not transitional since the property is surrounded by low density residential, and there are no commercial or nonresidential uses anywhere in the vicinity (except for a golf course, a church and a fire station).

It is obvious that R-3 zoning is not appropriate for this location. Thank you for consideration of our concerns,

Westwinds Board of Directors

Gary Lane, President Babette Morrow Grace Willburn

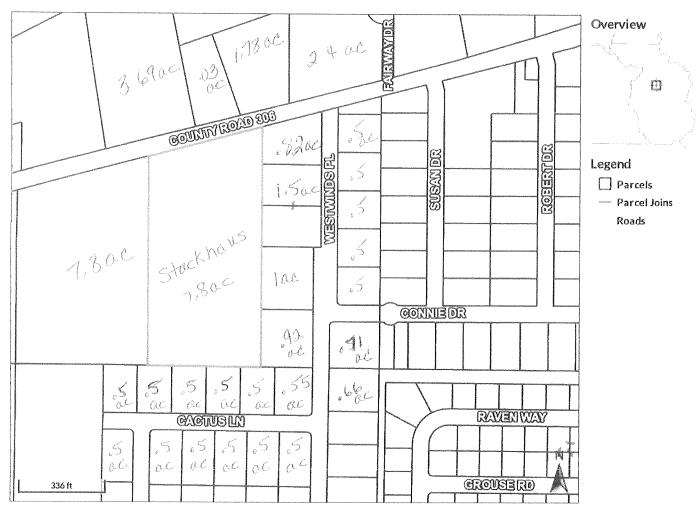
Pete Sunderlin

Jenny Nail

Ed Boxer

Chuck Sumner

qPublic.net Chaffee County, CO



Parcel Number R327118200060 Physical Address 15750 COUNTY ROAD 306 Total Value \$428,502 Last 2 Sales Property Class 1.5 Story Fin

Taxing District 02

Acres

Owner Address

STACKHAUS LLC

PO BOX 164

BUENA VISTA, CO 81211

4/19/2021 0

Price Reason Qual 4/19/2021 \$665000 Q n/a

n/a

Brief Tax Description TRACT IN SE4NW4 18-14-78

REC 469614

(Note: Not to be used on legal documents)

Date created: 2/4/2022 Last Data Uploaded: 2/2/2022 9:20:22 PM

Developed by Schneider

February 22, 2022

To: Town of Buena Vista Trustees

Town of Buena Vista Staff

Town of Buena Vista Planning Committee
Chaffee County Commissioners

Re: Stackhaus Annexation

We would like to share our concerns regarding the proposed Stackhaus Annexation. We live in the Westwinds neighborhood next to the proposed annexation. This annexation will directly impact our neighborhood and surrounding neighbors in many ways. Annexation into the town should not be a burden on the county residents surrounding it and this would be.

We have heard that improvements to County Road 306 have been considered but have not heard anything about the other county roads, town roads and private roads that will see more traffic if this is approved. We've seen a significant increase in traffic on this road in the last year after the paving of Cottonwood Pass & this would add even more unwanted traffic.

If this annexation was to happen the town & county need to have a plan before it is approved. County Road 321/Rodeo Rd, Connie Dr, Raymond Lee Dr, Robert Dr, Susan Dr, Westwinds Pl, and County Road 337 will all see impacts if this is approved. Westwinds Place would be our main concern as it is a private road maintained with Westwinds HOA funds. The additional traffic from a development directly next to Westwinds will negatively impact us now and into the future. Who is going to pay for the extra maintenance that is going to be needed on the roads listed above? Has a road use assessment been done to see the impact of 101 additional units on only 7.8 acres will have on 306?

The current property asking to be rezoned is surrounded by low density zone lots. By rezoning to high density this changes the footprint of this area. This is unwanted by many that I have talked to that live in this area. We chose to live in a low density zoned area for a reason instead of in town in high density areas. The town's municipal code would go against this annexation as it's not near commercial property, mix-used areas or downtown. Nor is it transitional as it is completely surrounded by low density residential properties.

We understand that growth will happen, but we are concerned that the infrastructure will not be in place to support the proposed zoning and annexation. This will also expand the footprint for town services such as police and fire, who is going to cover those costs?

Thank you for being willing to read this and take into consideration our concerns.

Best Regards,

Mark & Grace Willburn (936-900-4075 & 936-689-2008) (grace.rabuck@gmail.com, mwillburn28@gmail.com)
15646 Oxford Rd, Buena Vista, CO. 81211



Joseph Teipel <iteipel@buenavistaco.gov>

Stackhaus Development

Daniel Willmann <dantana26@icloud.com> To: jteipel@buenavistaco.gov

Thu, Mar 10, 2022 at 8:27 PM

Hello Joseph,

My name is Daniel Willmann and my family and I live in the Westwinds neighborhood at 28586 Lupine Dr.

I am writing you this evening to ask you to decline the application to re-zone for the Stackhaus Development to R3 from R1.

My wife and I just moved to Buena Vista in October of 2021 and love all that our quiet, little, neighborhood has to offer. We feel as though changing the neighboring property from R1 to R3 would severely disrupt our neighborhood for all the things we love about it. We fear that allowing the number of homes to be developed will cause a tremendous amount of pollution of all types, noise, trash, traffic and light pollution. It will destroy the peace and serenity of our neighborhood and all the reasons we chose our new home. As well, the rezoning and development will cause similar issues to other neighboring properties too. All homes and neighborhoods surrounding the Stackhaus development, besides Westwinds, are all zoned R1 or rural.

We would ask that a development of such size, as proposed in the plans, be located closer to a commercial, R2 or existing R3 zoned areas that exist in town already.

I ask for your respect to our property and the neighboring properties to decline rezoning of the Stackhaus development.

Regards,

Daniel Willmann

28586 Lupine Dr

303-968-4774

danincolorado@icloud.com

To Buena Vista Planning and Zoning Commission:

Thank you for accepting these comments about the Stackhaus annexation and zoning from concerned neighbors. We have been homeowners in Westwinds Subdivision since 2007 and have enjoyed the semi-rural lifestyle on our half acre lots. Several years ago the previous owner of the Stackhaus property was considering developing 15 home sites on that property, which would have been appropriate for the area and compatible with our subdivision.

In January we discovered that there were plans to annex this property and zone it R-3, High Density Residential. This came as quite a surprise to us since neither the developer nor the town had contacted us to discuss the impacts of these potential development plans. Once we got notice of the proposed annexation, we contacted the Town Planner, found out about the proposed zoning, and asked if he had encouraged the developer to work with the neighbors. At that point Mr. Telthorst contacted us and asked up to set up a meeting. We have a meeting set up for March 13th, and have invited other adjacent property owners who are not in Westwinds but who would be negatively impacted by the proposed apartment buildings right behind their homes.

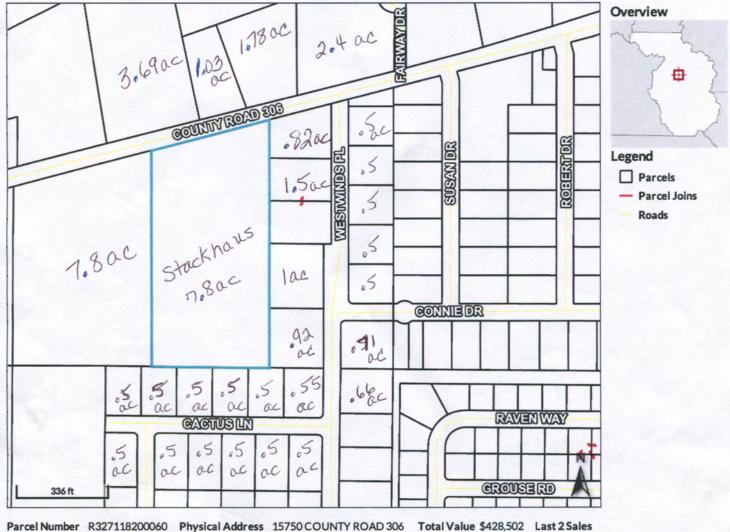
Attached is a map showing the lot sizes of the surrounding properties. They range from half acre to 7.8 acres. and are all zoned Low Density residential. We are very concerned that the town is considering approving an R-3 designation, which is High Density residential. While Low Density residential would be more appropriate, even R-2 General Density would be more appropriate than R-3. To allow 101 dwelling units (plus possibly more with ADUs) at this location causes many problems, which the Westwinds Board of Directors conveyed to you in their letter.

Our concern is that this rural location is not appropriate for R-3 as described in the BV Municipal Code. R-3 is intended for locations:

- (1) close to commercial and mixed-use areas. The commercial uses close to this property include Mini Blessings, which a horse farm, and a golf course. About a mile away is a drive-in theater. There are no mixed-use areas close by.
- (2) near downtown. Downtown Buena Vista is over a mile away.
- (3) which may serve as a transition between lower-density residential districts and commercial or other nonresidential areas. Since this property is surrounded by low density residential properties, there are no commercial or nonresidential areas to transition to.

We are hoping that the Planning and Zoning Commission will hear our concerns and those of our neighbors and deny the request for R-3 zoning on the Stackhaus property.

Thank you,
Rich and Babette Morrow
28699 Westwinds Place



Property Class 1.5 Story Fin

Taxing District 02

Acres 7.8 **Brief Tax Description**

Owner Address STACKHAUS LLC

PO BOX 164

BUENA VISTA, CO 81211

Price Reason Qual 4/19/2021 \$665000 Q n/a 4/19/2021 0 n/a

TRACT IN SE4NW4 18-14-78

REC 469614

(Note: Not to be used on legal documents)

Date created: 2/4/2022 Last Data Uploaded: 2/2/2022 9:20:22 PM

Developed by Schneider

PETITION TO THE TOWN OF BUENA VISTA PLANNING COMMISSION AND BOARD OF TRUSTEES REGARDING THE STACKHAUS ANNEXATION AND ZONING

Tami Litray Print Name	Janu Litay Signature
15620 Par in BV CO 81211	tamilitay@gmail.com
Address	Email
Amy Richards Print Name	Signature
84 Connie Dr. Buena Vista, CO 81211 Address	elognoff@gmail.com Email
Doug Spence	VS la
Print Name	Signature
95 Convie Dr. Bucha Vista CO. 81211	dougcasey 1313@live.com
Address	Email
Print Name	Signature
Address	Email

PETITION TO THE TOWN OF BUENA VISTA PLANNING COMMISSION AND BOARD OF TRUSTEES

REGARDING THE STACKHAUS ANNEXATION AND ZONING

will have a major negative impact on the surroundi residential properties.	
Wayne R Sander lin Pamela JF Sander lin Print Name	Signature Signature
15631 Oxford Rd, Buena Vista Address	Email Email
Edward Boxer Print Name	Elwent 15th
28601 Westwinds Pl., BV Address	adies Exercismail. 10m
Debra Zinik Print Name	Signature Zuid
28601 Westwinds Pl.B.	V debrazint kegmail. con
Casey Talbert Print Name	Signature
2663) Lypine Or BV Address	HalbertCosey 20@gmail.com Email

PETITION TO THE TOWN OF BUENA VISTA PLANNING COMMISSION AND BOARD OF TRUSTEES

REGARDING THE STACKHAUS ANNEXATION AND ZONING

Joyce Johnson Print Name	Signature & John
15662 Cactus Lane. Address	Email John son @ gmail. com
DAVID ZOHNSON Print Name	Signature B. Show
15662 CACTUS LANE BV Address	john saba gnail com Email
Jennifer Nall Print Name	Signature
15643 Cactas Lane	Email) entra 1232 gmail. com
Print Name	Signature
15643 Cactus Lane B.V. Address	jentra 123@ gmail. com.

PETITION TO THE TOWN OF BUENA VISTA PLANNING COMMISSION AND BOARD OF TRUSTEES REGARDING THE STACKHAUS ANNEXATION AND ZONING

CHARLES SUMNER Print Name 15630 OXFORD RD Address	Charles Summer Signature CHUCKE BY SUMNER. COM Email
Marie Sumner Print Name 15630 Oxford Rd. Address	Marie Summer.com Email
Print Name 28757 Westwind Ps Address	Signature Signature Short Shor
Print Name 28757 Westwind Place Address	Signature Lotsailing@ad.com Email

Marisol Diaz	Sunt
Print Name	Signature
28793 Westwinds Place Address	Marsoldiar 26@ hotmail. con Email
Print Name	Gignature Colyt
Print Name On 15622 306 Address	Iccolate 43 (a hotman)
Cavol Colacte Print Name	Signature Colgette
15622 CR 306 Address	scolgate 43 @ hotoxi)
Beverly A Sponer Print Name	Bury A Sporer Signature
28735 Westwinds Pl. Address	B-VSponer@gna,1. com Email
Robert E Spomer Print Name	Signature Fromer
28735 Westounds Place Address	responer @gmail.com_ Email
Fran Markowitz Print Name	Signature
28700 Westwinds PL Address	emarkowitz 1 @ gmail.com Email

Rebecca Asch	12
Print Name	Signature
28700 Wesminds Pl	bedanasch@mail.com
Address	bedyason@gnail.com Email
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HOWARD BAY	Hrs Bay
Print Name	Signature
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Dan Willmann + Mondana Print Name Brown	Modbrad Joes Signature
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Nona Howl Print Name 28636 Lupine Dr. Address	Nova Howe Signature <u>Nonahowe@gmail.con</u> <u>Email</u>
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Tanner Brasser Print Name	Signature
15620 CR 306 Address	tanner. brasser@gmail
Andrew MANRI ~	Signature
15603 PAINTBRUSH ST Address	Email PIN & Hornstu. com
Josh Colley Print Name	Signature
15628 Cactus Lane Address	josh@yocphoria productionsias Email
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15657 MOTUS LN Address	hansford_carpashotmail.com Email
Brian Bostdorf Print Name	Signature Signature
15618 Oxford Rd Address	bbostdert @ Vahoo.com Email

MARVIN WILLYARD Print Name	Man And Signature
15640 Cachus Address	mandmwillyardagmail.co
Michelle L. Willyard Print Name	Michelle J. Willyans Signature
15640 Cactus Ln. Address	mandmwillyardegmail.com Email
Treatur Ricci Print Name	Tand Minimum Signature
28778 Westwinds Pl Address	tyricci 34@gmail.com Email
Kindra Hardy Tohwon Print Name	Signature Mindu H. Tolinus
28724 Westwinds Place Address	Kindrasosiajonas. Com Email
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28680 Westwinds Pl Address	pat. fuss@gmail.com
Brad Johnson Print Name	Signatúre
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JERAMIE LAMBERT Print Name	Signature
28554 Lupine Dr. Address	jc/amberto4egna!)-com
28613 Lupine Dr Print Name Will Crago Address	Signature <u>will@quilibranarchiteture.com</u> Email
Tanet Lane Print Name P.O. Box 1084 28633 Wortwinds Pla, BV. Address	Signature Creekside lane Qyaldo, com Email
Print Name P.O. Box 1084 28633 Westwinds Pl. Address	Summitshores Qyahoo.com Email
Print Name 28660 Westwirds P Address	Signature Forebon Zamsn. Email Com
Emily Bostdorf Print Name	Signature Stalt
15618 Oxford Rd Address	eshem8/eyahoo.com

Print Name	Signature
28793: Weshunds Place, BV Address	- Email
Carey Lee Print Name	Signature Lu
15653 Oxford RD Address	Sweeter 20hornail.com Email
George Scholler Print Name	Signature Signature
28701 Westwinds Pl Address	52 gschul @gngil. com
Vida Schuller Print Name	<u>JLOll</u> Signature
28701 Westwinds pl. Address	V/3chv/Qyahoo.com
Janlee Johnson	Caluffer
Print Name 15631 Cactus LN Address	Signature JOHNSON, Janles Cymail. 10
KELLY BIGLEY	Willyhy
Print Name	Signature / /
Address	<u>kellybigley@gmail.com</u> Email

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Michael Byley Print Name	Signature
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Address	Email



Joseph Teipel <jteipel@buenavistaco.gov>

Stackhaus dev.

Gary Thompson <gmilesthompson@sbcglobal.net> To: "jteipel@buenavistaco.gov" <jteipel@buenavistaco.gov>

Fri, Mar 11, 2022 at 7:26 AM

We recognize that the owner of the property has the right to develop it.. However, we are opposed to the plan as it now stands because the density of houses planned on the acerage. We live nearby, 28757 Westwind PL, and our home - and others in the neighborhhod have a "rural" feeling - with homes on 1/2 acre lots. We believe the developer should use similar sized lots for the single family homes. We do not want a development such as The Farm is this area. While The Farm is fairly well planned it is not a pleasant home area..Homes are "stacked" everywhere..Not a pleasing appearance. ..In keeping with the rural neighborhood "feel," the developer should be limited to 1/2 or possibly 1/4 acre lots per residence.... thank you..gary and lisa thompson, 970 685 4135...